

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Defendant.

## REPORT & RECOMMENDATION

Plaintiff was advised that failure to file an amended complaint which addressed the deficiencies specified in the Court's previous order (ECF No. 4) would result in a recommendation that her case be dismissed. On November 14, 2017, Plaintiff filed a document containing allegations that she was "approved for social security" but was "later denied for working and making too much money." Plaintiff's document fails to allege that she has exhausted administrative remedies available to her, provide the date she became disabled or the nature of her disability, and does not contain a plain, short statement of the nature of her disagreement with the Social Security Administration. As Plaintiff has already been given notice of these deficiencies in her complaint and has failed to file an amended complaint in a timely manner, the Court will recommend that her complaint be dismissed without prejudice.

//

1 **RECOMMENDATION**

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's complaint (ECF No. 5) be dismissed  
3 without prejudice.

4 **NOTICE**

5 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in  
6 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held  
7 that the courts of appeal may determine that an appeal has been waived due to the failure to file  
8 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
9 held that (1) failure to file objections within the specified time and (2) failure to properly address and  
10 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
11 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
12 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

13 DATED: November 30, 2017

14  
15   
16 C.W. Hoffman, Jr.  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28